**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.**

Crl. Misc. No. 7230-M of 2007
DATE OF DECISION : 06.02.2007

Vijay Kumar Sharma

**....** PETITIONER

Versus

State of Punjab and others

..... RESPONDENTS

CORAM :- HON'BLE MR. JUSTICE SATISH KUMAR MITTAL

Present: Mr. Sanjiv Pandey, Advocate, for the petitioner.

Petitioner Vijay Kumar Sharma, who is complainant in FIR No. 59 dated 11.4.2006 under section 420 IPC, registered at Police Station Mandi Gobindgarh, District Fatehgarh Sahib, has filed this petition under Section 482 of the Code of Criminal Procedure for transfer of the investigation in the aforesaid FIR to respondent No.5 or any other senior officer outside the District Fatehgarh Sahib.

I have heard counsel for the petitioner.

Counsel for the petitioner contends that earlier in the aforesaid FIR, after the investigation, cancellation report was submitted, which was not accepted by the court and it was ordered by Sub Divisional Judicial Magistrate, Amloh that the matter be re-investigated by a Gazetted Officer. Counsel contends that since earlier the police had submitted cancellation report, therefore, the petitioner does not expect fair investigation by the local police.

After hearing counsel for the petitioner, I am of the opinion that merely on the aforesaid ground, investigation in the case cannot be transferred, which is in the domain of the police, as any such direction will amount to interference in the investigation.

Dismissed.

**February 06, 2007** **( SATISH KUMAR MITTAL )**
ndj **JUDGE**